

Regardless of the group chosen, the Examiner further requires election of one of the following species of POSS:

- (a) POSS corresponding to Formula (I);
- (b) POSS corresponding to Formula (IIA);
- (c) POSS corresponding to Formula (IIB);
- (d) POSS corresponding to Formula (IIC);
- (e) POSS corresponding to Formula (IID);
- (f) POSS corresponding to Formula (IIE);
- (g) POSS corresponding to Formula (III);
- (h) POSS corresponding to a structure that is not of the Formulas in (a)-(g).

The Examiner further requires election of species of amount of POSS present in the product.

The Examiner further requires election of species of amount of personal care ingredient present in the product.

Applicants respectfully traverse the restriction and election requirements for at least the following reason. However, to be fully responsive, Applicants elect, with traverse, the subject matter of Group I, claims 1-42 and 47-51, for prosecution on the merits.

In addition, Applicants elect, with traverse,

The POSS of Formula I;

an amount of POSS of up to about 40% by weight based on the weight of the product;

an amount of personal care ingredient of at least about 10% by weight based on the weight of the product;

for prosecution on the merits.

Applicants respectfully submit that, after the elections, claims 1-42 and 47-51 are subject to examination.

For a restriction requirement to be proper, the Examiner must show that a serious burden exists if all claims are examine together. M.P.E.P. § 803. Independent claims 1, 43, 44, 45, 46 and 47 recite, in part, "a personal care product, or a shampoo, or a nail polish, or a conditioner, or a mascara comprising: at least one POSS . . . .

Moreover, the phrase "personal care products" encompasses shampoos, nail polishes, conditioners, and mascaras, as well as deodorants, body washes, shaving creams, etc., i.e., any compositions used for personal care. Therefore, Applicants respectfully submit that examining all claims of Groups I-V together would not impose a serious burden.

Accordingly, Applicants respectfully request that the Examiner withdraw the restriction and election requirements and examine Groups I-V together.

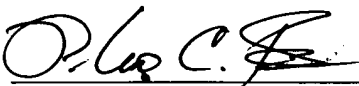
If the Examiner chooses to maintain the restriction/election requirements, Applicants expect the Examiner, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions required to enter this response and charge any additional required fees to our Deposit Account No. 50-3477.

Respectfully submitted,

L'ORÉAL USA PRODUCTS, INC.

Dated: August 8, 2006

By: 

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